

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC ALLEN PERRY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CRIM. CASE NO. 00-50071-02

CIVIL CASE NO. 04-40237

HONORABLE PAUL V. GADOLA

U.S. DISTRICT JUDGE

ORDER ACCEPTING AND ADOPTING THE REPORT AND RECOMMENDATION

On August 19, 2004, Petitioner filed a motion to amend or correct his sentence, pursuant to 28 U.S.C. § 2255. On May 25, 2007, Magistrate Judge Steven D. Pepe issued a Report and Recommendation, recommending that Petitioner's motion to amend or correct his sentence be denied. Magistrate Judge Pepe also informed the parties that any objections to the Report and Recommendation had to be filed within ten (10) days of the service of the Report and Recommendation. Neither party filed objections.

The Court's standard of review for a magistrate judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Pepe's Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R.

Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #76] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Petitioner's motion to amend or correct his sentence pursuant to 28 U.S.C. § 2255 [docket entry #47] is **DENIED**.

SO ORDERED.

Dated: July 17, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on July 17, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Mark C. Jones; James Q. Butler, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845